



Planning Commission Agenda

Meeting of June 18, 2018 – 6:00 p.m.
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Sendt

Approval of Minutes

1. Approval of Minutes from the Meeting of May 7, 2018

Approval of Agenda

2. Approval of Agenda for the Meeting on June 18, 2018

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

PRESENTATIONS

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

3. Resolution taking action on a Conditional Use Permit to operate a church at an existing building located at 1624 East 18th Street. (Case File No. 2018-07 CUP)
4. Resolution taking action on a Code Amendment amending Sections 18.24 (Mixed-Use Corridor and District zones), 18.25 (Industrial zones), 18.30.050 (Sale of alcoholic beverages and live entertainment), and 18.50 (Glossary) of the National City Municipal Code. (Case File No. 2018-09 A)

OTHER BUSINESS

STAFF REPORTS

Senior Assistant City Attorney

Deputy City Manager

Acting Planning Director

Principal Planner

Commissioners

Chairperson

ADJOURNMENT

Adjournment to the next regularly scheduled meeting on July 2, 2018.



Planning Commission Minutes

Planning Commission
Meeting of May 7, 2018
City Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

Agenda Items

The meeting was called to order by Chair Yamane at 6:03 p.m.

Roll Call

Commissioners Present: Quintero, Baca, Sendt, Yamane, Dela Paz, Flores

Commissioners Absent: Garcia

Staff Also Present: Deputy City Manager Brad Raulston, Senior Assistant City Attorney Nicole Pedone, Director Public Works/City Engineer Stephen Manganiello, Acting Planning Director Martin Reeder, Principal Planner Ray Pe

Pledge of Allegiance Presented by Commissioner Dela Paz.

1. Approval of Minutes from the Meeting of April 16, 2018.

Motion by Sendt, second by Baca to approve the Minutes for the Meeting of April 16, 2018.

Motion carried by the following vote:

Ayes: Quintero, Baca, Sendt, Yamane, Flores

Abstain: Dela Paz

Noes: None

Absent: Garcia

Commissioner Dela Paz abstained due to her absence at the meeting of April 16, 2018.

2. Approval of the Agenda for the Meeting of May 7, 2018.

Motion by Baca, second by Sendt to approve the Agenda for the Meeting of May 7, 2018.

Ayes: Quintero, Baca, Sendt, Yamane, Flores, Dela Paz

Abstain: None

Noes: None

Absent: Garcia

ORAL COMMUNICATION: None.

PRESENTATIONS: None.

CONTINUED PUBLIC HEARINGS:

3. Resolution taking action on a Conditional Use Permit for a wireless communications facility at Sweetwater High School located at 2900 Highland Ave. (Case File No. 2015-17 CUP)

Presented by Acting Planning Director Martin Reeder.

Applicant Kerrigan Diehl on behalf of Plancom, Inc. for Verizon Wireless has read, understands, and accepts the conditions of the Conditional Use Permit.

At the request of Commissioner Dela Paz, Acting Planning Director Martin Reeder stated that he would inquire if right of way payments made by Verizon Wireless could be earmarked to go directly to Sweetwater High School.

Motion by Dela Paz, second by Sendt to close the Public Hearing and approve the Resolution taking action on a Conditional Use Permit for a wireless communications facility at Sweetwater High School located at 2900 Highland Ave. (Case File No. 2015-17 CUP)

Ayes: Quintero, Baca, Sendt, Yamane, Flores, Dela Paz

Abstain: None

Noes: None

Absent: Garcia

PUBLIC HEARINGS: None.

OTHER BUSINESS:

4. Fiscal Year 2018-2019 Capital Improvement Program – General Plan Conformity Review

Presented by Principal Planner Ray Pe and Director Public Works/City Engineer Stephen Manganiello.

Commissioner Dela Paz requested that staff encourage helmet use for bicyclists throughout the community and suggested incorporating safety education within one of the various City programs.

Motion by Baca, second by Flores that the proposed Capital Improvement Program for Fiscal Year 2018-2019 is in conformity with the adopted General Plan.

Ayes: Quintero, Baca, Sendt, Yamane, Flores, Dela Paz

Abstain: None

Noes: None

Absent: Garcia

5. Adoption of Revised 2018 Planning Commission Meeting Dates

Presented by Acting Planning Director Martin Reeder.

Motion by Dela Paz, second by Sendt to adopt the revised 2018 Planning Commission Meeting Dates.

Ayes: Quintero, Baca, Sendt, Yamane, Flores, Dela Paz

Abstain: None

Noes: None

Absent: Garcia

STAFF REPORTS:

Senior Assistant City Attorney: None.

Brad Raulston, Deputy City Manager: Invited Commissioners to attend the May 8th Budget Workshop.

Acting Planning Director: None.

Principal Planner: None.

COMMISSIONER REPORTS:

Dela Paz: None.

Quintero: None.

Flores: None.

Yamane: None.

Sendt: None.

Baca: None.

Garcia: Absent.

ADJOURNMENT by Chair Yamane at 6:50 p.m. to the meeting of
June 4, 2018 at 6:00 pm.

CHAIRPERSON

The foregoing minutes were approved at the Regular Meeting of June 18, 2018.



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT TO
OPERATE A CHURCH AT AN EXISTING BUILDING
LOCATED AT 1624 EAST 18TH STREET

Case File No.: 2018-07 CUP

Location: 1624 E. 18th Street

Assessor's Parcel Nos.: 561-360-48-00 & 561-360-49-00

Staff report by: Chris Stanley, Acting Assistant Planner

Applicant: George Brambila

Zoning designation: Minor Mixed-Use Corridor (MXC-1)

Adjacent zoning:

North: High Density Multi-Unit Residential Across East 18th St. / RM-2

East: Open Space / OS

South: Small Lot Residential / RS-2

West: Minor Mixed-Use Corridor / MXC-1

Environmental review: Categorically Exempt pursuant to Class 1 Section 15301
(Existing Facilities)

Staff recommendation: Approve

BACKGROUND

Staff Recommendation

Staff recommends approval of a proposed church at an existing commercial building. The use is conditionally-allowed in the Minor Mixed-Use Corridor (MXC-1) zone and is consistent with the General Plan and Land Use Code.

Executive Summary

The applicant has applied for a Conditional Use Permit (CUP) for a church at a currently vacant building. Conditions would restrict the hours of operation and address non-permitted construction that would need to be approved before the CUP becomes effective.

Site Characteristics

The project location is a currently vacant commercial building located at 1624 E. 18th Street in the MXC-1 zone. Directly west of the property is a barbershop. The MXC-1 zone continues west and the development is further bordered by Small Lot Residential (RS-2) to the south, Open Space (OS) to the east, and High Density Multi-Unit Residential (RM-2) to the north.

Proposed Use

The applicant is proposing to operate a church in a 2,407 square-foot commercial space within the center. The site would consist of 28 parking spaces and two driveways; one for entering and exiting, and one for just exiting; both of which would be accessed from E. 18th St. The interior of the building would consist of an entrance hall, two restrooms, a stage, 780 square feet of seating space, an office, a storage closet, and general storage space.

Analysis

A church requires one parking space for every 35 square feet of seating area; with 780 square feet of proposed seating area, the site would need to provide 22 parking spaces. The applicant has proposed 29 parking spaces. However, one of the proposed spaces is perpendicular, which would not be permitted, leaving the applicant with 28 parking spaces. With the change in parking spaces, the applicant will still have provided an excess of six parking spaces over the requirement. The three surplus parking spaces are compact in size. A Condition of Approval has been added to require compliance with section 18.45 (Off-street loading and parking).

Unpermitted work has been noted on the site and will need to be addressed by the applicant with the Building Department before approval. The unpermitted work is an office and storage room on the rear of the building. The extent of work will be confirmed by the Building Department after City review and/or approval.

The applicant is proposing operating hours of 9:30 a.m. to 6:30 p.m. on Sundays and 7:00 p.m. to 8:30 p.m. on Wednesdays. Noise impacts are a concern for the project due to existing residential uses adjacent to the church. There is an existing single-family house on the lot directly south of the church that resides on the west end of the lot. Not only is there a parking lot between the church and the single-family lot, but the east end of the lot is vacant, further distancing the house from any potential noise. The entrance to the church is shown on the north end of the building, opposite the single-family lot. An apartment complex is located to the north across E. 18th St. approximately 95 feet from the church entrance.

Findings for Approval

The Municipal Code contains six required findings for CUPs:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the MXC-1 zone pursuant to a CUP and is consistent with the General Plan and Land Use Code.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

General Plan Policy LU-4.3 Promotes infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The site is an existing commercial building that permits public assembly.

4. The site is physically suitable for the type, density, and intensity of the use being proposed; including access, utilities, and the absence of physical constraints.

The site provides the required parking and would only be in use on Sundays and Wednesday nights, limiting possible traffic issues.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

Potential noise from the church will not affect the surrounding properties due to conditions set within the permit requiring that both windows and doors be shut during service and noise levels be in compliance with the City's municipal code. In addition, granting the CUP will fill a long-standing vacancy and provide a public service.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The proposed project has been reviewed in compliance with CEQA. Staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

Findings for Denial

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The vicinity of the church to residential would constitute a nuisance due to the possibility of noise pollution that could have a negative impact on nearby residents.

Conditions of Approval

Planning Department conditions require that all illegal work be addressed by the applicant with the Building Department before approval of this permit as well as the requirement of a trash and recycling enclosure for the site. The trash enclosure

must be enclosed with a roof and be made of non-combustible material. The approved hours of operation for the church shall be Sundays between the hours of 9:30 a.m. and 6:30 p.m. and Wednesdays between the hours of 7:00 p.m. and 8:30 p.m. The Building Department requires that the project follow the 2016 editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes. The Engineering Department requires that the site plan shall show the exterior limits of the site and all existing improvements as well as any proposed exterior site work. In addition they require that a drainage plan be submitted showing all of the proposed and existing on-site and off-site improvement and that it is prepared by a Registered Civil Engineer, or other qualified professional, and shall be in accordance with the City requirements. The applicant must provide a cost estimate of all proposed work and the owner/developer shall remove all weeds from the parkway and landscaping along the property frontage. The Fire Department had no comments on the project.

Summary

The proposed project is consistent with the Land Use Code in that it promotes infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas. The proposed church would have more than the required amount of parking spaces and would be in operation Sunday days and Wednesday nights, limiting both the traffic and noise impacts. It was confirmed by the Building Department that unpermitted work has taken place on the site, the full extent being currently unknown. The rear portion of the building seems to be extended. An office and storage room were added. The work will have to either be permitted by the Building Department or demolished. The church would not be able to operate until the building is in compliance with the Building Department requirement.

OPTIONS

1. Approve 2018-07 CUP subject to the conditions listed below, based on the attached findings, or findings to be determined by the Planning Commission;
or
2. Deny 2018-07 CUP based on the attached finding or findings to be determined by the Planning Commission; or,
3. Continue the item to a later date in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions of Approval
3. Overhead
4. Applicant's Plans (Exhibit A, Case File No. 2018-07 CUP, dated 4/16/2018)
5. Public Hearing Notice (Sent to 113 property owners & occupants)
6. CEQA Notice of Exemption
7. Resolutions



CHRIS STANLEY
Acting Assistant Planner



MARTIN REEDER, AICP
Acting Planning Director

RECOMMENDED FINDINGS FOR APPROVAL

2018-07 CUP – 1624 East 18th Street

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Minor Mixed-Use Corridor zone pursuant to a CUP, and is consistent with the General Plan and Land Use Code.
2. The proposed use is consistent with the General Plan, because General Plan Policy LU-4.3 Promotes infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.
3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the site is an existing commercial building that permits public assembly.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the site is physically suitable for a church because it provides the required parking and would only be in use on Sundays and Wednesday nights, limiting possible traffic issues.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because potential noise from the church will not affect the surrounding properties due to conditions set within the permit requiring that both windows and doors be shut during service and noise levels be in compliance with the City's municipal code. In addition, granting the CUP will fill a long-standing vacancy and provide a public service.
6. The proposed project has been reviewed in compliance with CEQA, because staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

RECOMMENDED FINDING FOR DENIAL

2018-07 CUP- 1624 East 18th Street

1. The proposed use is not deemed essential to the public necessity, because the vicinity of the church to residential would constitute a nuisance due to the possibility of noise pollution that could have a negative impact on nearby residents.

RECOMMENDED CONDITIONS OF APPROVAL

2018-07 CUP – 1624 East 18th Street

General

1. This Conditional Use Permit authorizes the operation of a church at 1624 East 18th Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2018-07 CUP, dated 4/16/2018.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. A trash and recycling enclosure must be provided for the site. It must be enclosed with a roof, and be made of non-combustible material, subject to city design requirements.
7. The operation of the church shall be permitted for Sundays between the hours of 9:30 a.m. and 6:30 p.m. and Wednesdays between the hours of 7:00 p.m. and 8:30 p.m.
8. This permit shall not be approved until all unpermitted work is addressed by the Building Department.

9. All doors and windows shall remain closed during church services or other activities that may generate excessive noise.
10. All activities shall comply with the limits set forth in Table III of Title 12 (Noise) of the National City Municipal Code.
11. All parking spaces shall conform to minimum standards as contained in section 18.45 (Off-street loading and parking).

Building

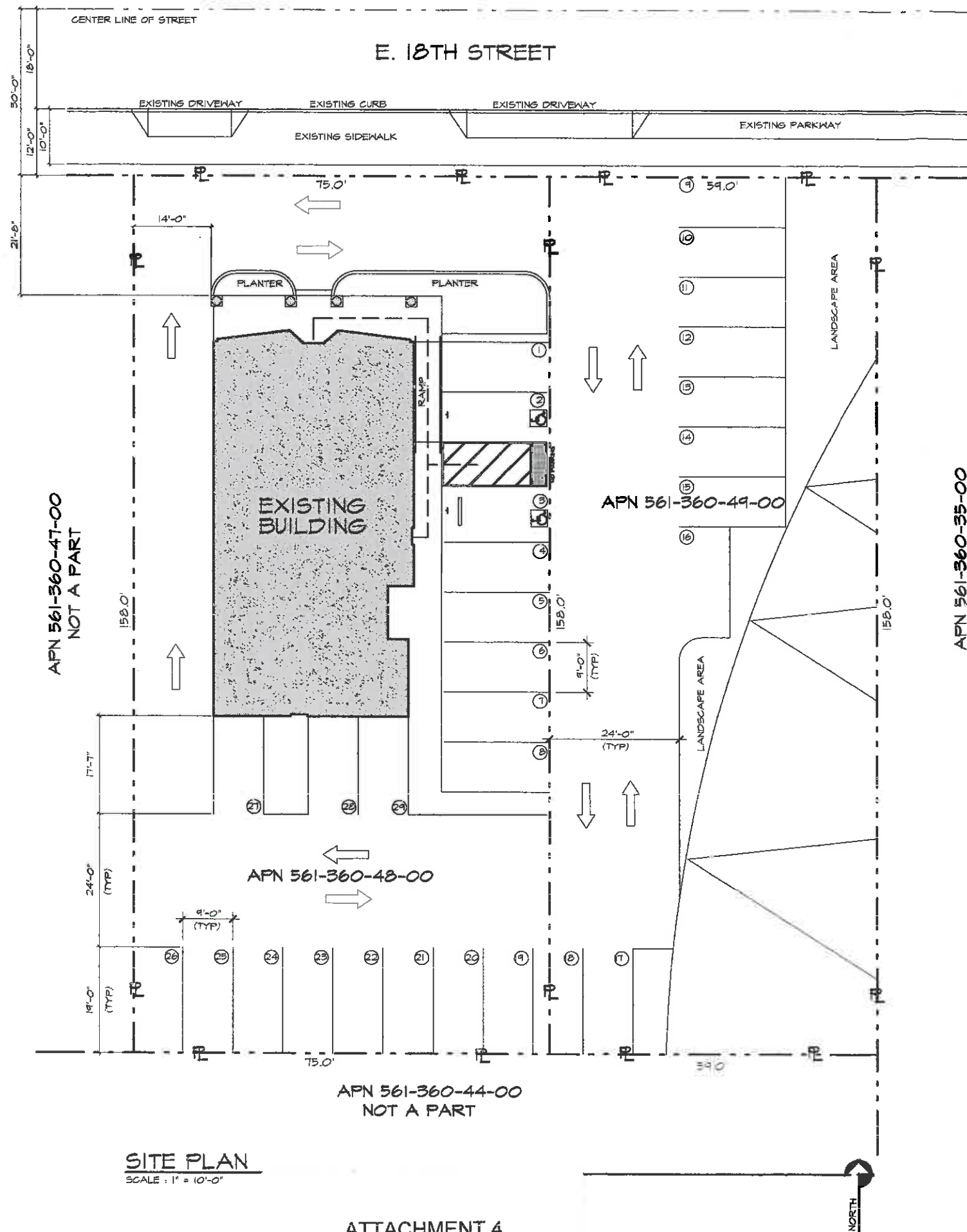
12. Plans submitted for demolition or construction improvements must comply with the 2016 editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

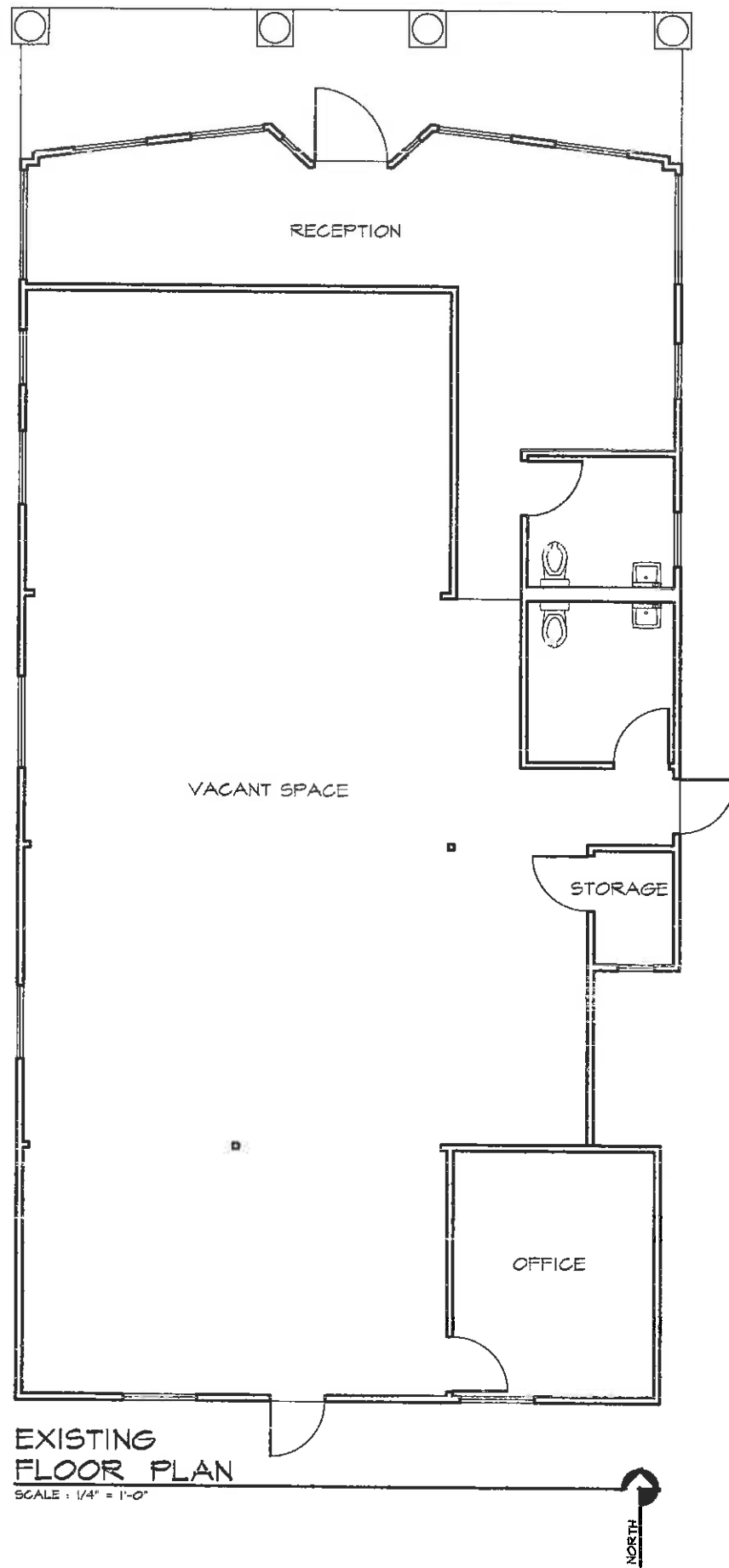
Engineering

13. The site plan shall show the exterior limits of the site and all existing improvements. Any proposed exterior site work shall be shown.
14. A drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared by a Registered Civil Engineer, or other qualified professional, and shall be in accordance with the City requirements. In particular, the plan shall show the current and proposed drainage patterns and direction(s) of flow, all existing drainage swales, ditches, inlets, drainage pipes and curb outlets or sidewalk underdrains. Flow indicator arrows shall be provide with slope given.
15. Provide a cost estimate of all proposed work.
16. The owner/developer shall remove all weeds from the parkway and landscaping along the property frontage.

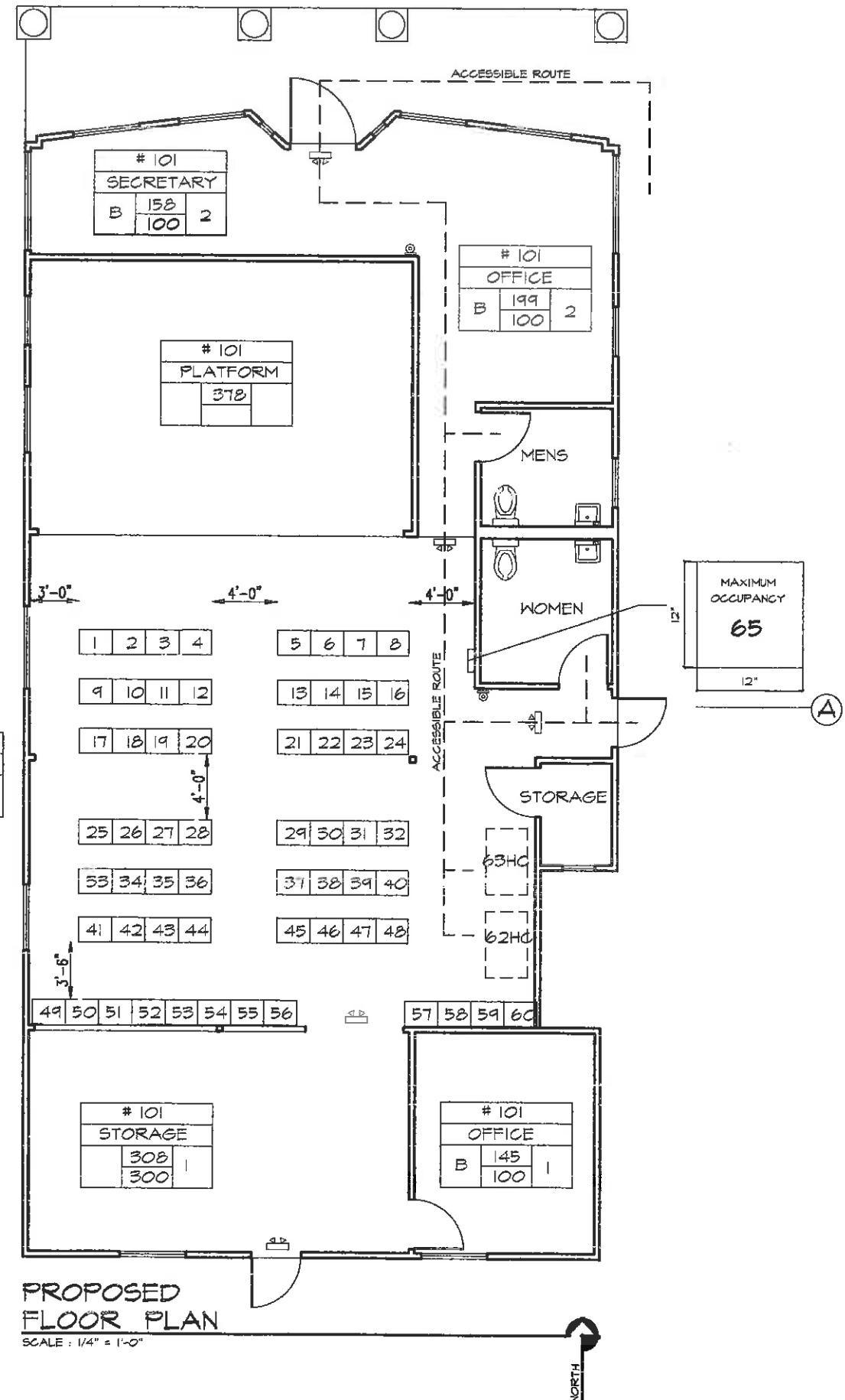
2018-07 CUP – 1624 East 18th Street – Overhead







- SUITE NUMBER
USE OF SPACE
AREA OF SPACE SQ. FT.
NO. OF OCCUPANTS
OCCUPANT LOAD FACTOR
OCCUPANCY TYPE
- SURFACE MOUNTED ILLUMINATED EXIT SIGN & LIGHT W/ BATTERY BACK-UP
- F.E. FIRE EXTINGUISHER 42" A.F.F. 2,A-10;B-C. MINIMUM MAX. TRAVEL DISTANCE 75 FT. 1 PER 3,000 SF TO BE IN DEDICATED CABINETS
- ACCESSIBLE PATH OF TRAVEL



REVISIONS	
DATE	
PROJECT #	
SHEET TITLE	
SHEET #	
A 2	
SHEET	OF



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR THE OPERATION OF A CHURCH AT 1624
EAST 18TH STREET
CASE FILE NO. 2018-07 CUP
APN: 561-360-48-00 & 561-360-49-00

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, June 18, 2018**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request (Applicant: George Brambila).

The applicant is proposing a church in an existing 2,704 square-foot commercial space at 1624 E. 18th St. The currently vacant building is in the Minor Mixed-Use Corridor (MXC-1) zone. The proposed hours of operation for the church are 9:30 a.m. to 6:30 p.m. Sunday and 7:00 p.m. to 8:30 p.m. Wednesday.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Department on or before 12:00 p.m., **June 18, 2018**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

A handwritten signature in blue ink, appearing to read "Martin Reeder".

MARTIN REEDER
Acting Planning Director



NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego, CA 92101
MS: A-33

Lead Agency: City of National City

Project Title: 2018-07 CUP

Project Location: 1624 East 18th Street, National City, CA 91950

Contact Person: Chris Stanley

Telephone Number: (619) 336-4381

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit application for the operation of a church in an existing building

Applicant:

George Brambilla
466 Third Avenue Suite B
Chula Vista, CA 91950

Telephone Number:

(619) 279-1992

Exempt Status:

☒ **Categorical Exemption. Class 1 Section 15301 (Existing Facilities)**

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment. The project involves no new development and will reside in an existing facility.

Date:

CHRIS STANLEY
Acting Assistant Planner

RESOLUTION NO. 2018-10 (a)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A CONDITIONAL USE PERMIT FOR
THE OPERATION OF A CHURCH
AT 1624 EAST 18TH STREET
CASE FILE NO. 2018-07 CUP
APN: 561-360-48-00 & 561-360-49-00**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the operation of a church at 1624 East 18th Street at a duly advertised public hearing held on June 18, 2018, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2018-07 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on June 18, 2018, support the following findings:

- 1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Minor Mixed-Use Corridor zone pursuant to a CUP, and is consistent with the General Plan and Land Use Code.**
- 2. The proposed use is consistent with the General Plan, because General Plan Policy LU-4.3 Promotes infill development, redevelopment, rehabilitation, and**

reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the site is an existing commercial building that permits public assembly.
4. The site is physically suitable for the type, density, and intensity of the use being proposed, including access, utilities, and the absence of physical constraints, because the site is physically suitable for a church because it provides the required parking and would only be in use on Sundays and Wednesday nights, limiting possible traffic issues.
5. Granting the permit would not constitute a nuisance, be injurious, or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because potential noise from the church will not affect the surrounding properties due to conditions set within the permit requiring that both windows and doors be shut during service and noise levels be in compliance with the City's municipal code. In addition, granting the CUP will fill a long-standing vacancy and provide a public service.
6. The proposed project has been reviewed in compliance with CEQA, because staff has determined the proposed use to be categorically exempt from environmental review pursuant to Class 1 Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit authorizes the operation of a church at 1624 East 18th Street. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2018-07 CUP, dated 4/16/2018.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner shall both sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County

Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Deputy City Manager prior to recordation.

3. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
4. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
5. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval.

Planning

6. A trash and recycling enclosure must be provided for the site. It must be enclosed with a roof, and be made of non-combustible material, subject to city design requirements.
7. The operation of the church shall be permitted for Sundays between the hours of 9:30 a.m. and 6:30 p.m. and Wednesdays between the hours of 7:00 p.m. and 8:30 p.m.
8. This permit shall not be approved until all unpermitted work is addressed by the Building Department.
9. All doors and windows shall remain closed during church services or other activities that may generate excessive noise.
10. All activities shall comply with the limits set forth in Table III of Title 12 (Noise) of the National City Municipal Code.
11. All parking spaces shall conform to minimum standards as contained in section 18.45 (Off-street loading and parking).

Building

12. Plans submitted for demolition or construction improvements must comply with the 2016 editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

13. The site plan shall show the exterior limits of the site and all existing improvements. Any proposed exterior site work shall be shown.
14. A drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared by a Registered Civil Engineer, or other qualified professional, and shall be in accordance with the City

requirements. In particular, the plan shall show the current and proposed drainage patterns and direction(s) of flow, all existing drainage swales, ditches, inlets, drainage pipes and curb outlets or sidewalk underdrains. Flow indicator arrows shall be provide with slope given.

15. Provide a cost estimate of all proposed work.

16. The owner/developer shall remove all weeds from the parkway and landscaping along the property frontage.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of June 18, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2018-10 (b)

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
DENYING A CONDITIONAL USE PERMIT FOR
THE OPERATION OF A CHURCH
AT 1624 EAST 18TH STREET
CASE FILE NO. 2018-07 CUP
APN: 561-360-48-00 & 561-360-49-00**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for the operation of a church at 1624 East 18th Street at a duly advertised public hearing held on June 18, 2018, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2018-07 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on June 18, 2018, support the following finding:

1. The proposed use is not deemed essential to the public necessity, because the vicinity of the church to residential would constitute a nuisance due to the possibility of noise pollution that could have a negative impact on nearby residents.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of June 18, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

TITLE: PUBLIC HEARING – CODE AMENDMENT AMENDING SECTIONS 18.24 (MIXED-USE CORRIDOR AND DISTRICT ZONES), 18.25 (INDUSTRIAL ZONES), 18.30.050 (SALE OF ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT), AND 18.50 (GLOSSARY) OF THE NATIONAL CITY MUNICIPAL CODE.

Case File No.: 2018-09 A

Staff report by: Martin Reeder, AICP – Acting Planning Director

Project location: Citywide

Applicant: City-initiated Land Use Amendment

Environmental review: Not a project per CEQA

Staff recommendation: Approve as amended

BACKGROUND

Staff Recommendation

Staff supports the proposed amendments included in this staff report and recommends that the Planning Commission recommend approval of the amendments to the City Council.

History

The City Council approved an amendment in late 2017 that allowed craft beer tasting rooms without a Conditional Use Permit (CUP) in the Industrial and Mixed-Use zones. The amendment also removed the distance requirements from schools for tasting rooms. While wine tasting rooms were brought up in discussion during the public hearing process, they were not included in the original application request and thus were not acted upon at that time.

Earlier this year the City Council directed staff to prepare a report to consider allowing wine tasting rooms in the City similar to the craft beer tasting rooms. In addition there has been interest from a number of parties in opening a wine tasting room in the City.

Proposed Changes (Municipal Code)

In order to allow wine tasting rooms without a CUP, several changes would be required, including to Section 18.24 (Mixed-Use zones), Section 18.25 (Industrial zones), and the Glossary. As with the previous amendment, these changes will have no effect in the Coastal Zone until the Local Coastal Plan is amended.

Allowable land uses

Staff is suggesting the following changes (**noted in bold**):

TABLE 18.24.050
Allowed Land Uses
Mixed-Use Zones

Land Use	Zone				Specific Use Regulations
	MXC-1	MXC-2	MXD-1	MXD-2	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit					

TABLE 18.25.050
Allowed Land Uses
Industrial Zones

Land Use	Zone			Specific Use Regulations
	IL	IM	IH	
Winery	<u>C</u>	<u>C</u>	<u>C</u>	

<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit				

Staff suggests adding wineries as a conditionally-permitted use in the industrial zones. This would be consistent with how breweries are currently permitted. While there are both small and large breweries defined by the California Department of Alcoholic Beverage Control (ABC), there is only one definition of winery (a Type 2 Winegrower license), which is as follows:

WINEGROWER - (Winery) Authorizes the sale of wine and brandy to any person holding a license authorizing the sale of wine and brandy, and to consumers for consumption off the premises where sold. Authorizes the sale of all wines and brandies, regardless of source, to consumers for consumption on the premises in a bona fide eating place that is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and operated by and for the licensee. May possess wine and brandy for use in the preparation of food and beverage to be consumed at the bona fide eating place. May conduct wine tastings under prescribed conditions (Section 23356.1; Rule 53). Minors are allowed on the premises.

Staff is supportive of allowing wine tasting rooms by right in mixed-use and industrial zones, which like craft beer tasting rooms tend to be less intense than traditional bars and are more prevalent in neighborhoods such as North Park in San Diego and other neighborhoods similar in density to National City. It should be noted that while a standalone wine tasting room would be allowed by right subject to the City's alcohol risk assessment process (as with craft beer tasting rooms), wine tastings would be permitted in wineries without special City approval.

Glossary

A. Staff suggests the addition of two glossary definitions (noted in bold) as follows:

1. Winery. "Winery" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 license to

manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption. Minors are allowed on the premises (per ABC license regulations).

2. Winery tasting room. "Winery tasting room" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 duplicate license to sell wine products that the licensee produces for on-site and off-site consumption; including sales of sealed wine bottles for off-site consumption. Only wine produced by the master licensee may be sold and/or consumed at the location. Minors are allowed on the premises (per ABC Type 2 license regulations).

As with craft beer tasting rooms, wine tasting rooms are generally family-friendly and less intensive than other on-site consumption businesses such as bars or restaurants. In addition, impacts are less due to the type of clientele, the higher cost of wine products, and the limited hours of operation. Furthermore, ABC licenses for tasting rooms allow minors to be present. It is also important to note, that while off-site tasting rooms are permitted under a winegrower (winery) license, a violation at the tasting room is considered a violation on the master license. In the case of an ABC violation all tasting rooms would lose their ability to operate. Therefore, businesses tend to self-regulate more effectively than stand-alone on-site consumption businesses.

While the public notice and staff report title mention changes to Title 18.30.050 (Sale of alcoholic beverages and live entertainment), this was a vestige of the previous report and no changes are necessary at this time.

Proposed Changes (City Council Policy 707)

The following four policies contained in City Policy 707 (Alcohol Beverage License Application Review Process and Alcohol Conditional Use Permit Standards) were modified or added during the previous amendment:

17. *(brewery tasting rooms)* The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. *(brewery tasting rooms)* Sales of sealed containers (commonly known as growlers) for off-site consumption of the beer produced by the master licensee may be sold and/or consumed at this location.

19. (*brewery tasting rooms*) Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. (*brewery tasting rooms*) With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

Changes to the Policy would be necessary in order to apply to wine tasting rooms. While changes to City Council Policy are under the purview of the City Council, it would be prudent for the Planning Commission to make a recommendation on the proposed changes, which are as follows (**changes noted in bold**):

17. (~~*brewery*~~ **Tasting rooms**) The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. (~~*brewery*~~ **Tasting rooms**) Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured ~~beer-produced~~ by the master licensee may be sold and/or consumed at this location.
19. (~~*brewery*~~ **Tasting rooms**) Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. (~~*brewery*~~ **Tasting rooms**) With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

With the exception of removing the specificity of “brewery” tasting rooms, the only other change is to include bottles to the products for sale as well as the previous “sealed containers”.

Analysis

This amendment is intended to define and impose permitting limitations on wine tasting rooms in order to be consistent with the previous craft beer tasting room amendment.

Staff supports all of the proposed changes, which are consistent with the previous Code sections and policies. While there would be minor changes in where wine tasting rooms and wineries could be located, the changes would not be out of character with the General Plan land use designations.

Findings

There are two findings for approval, one related to General Plan consistency and one related to compliance with CEQA.

General Plan conformance

The requested amendments are consistent with the General Plan, as the Code sections already exist. The amendments are minor in nature and would make negligible changes to where wine tasting rooms and wineries could be located. No increase in allowable densities, development intensity, or land use would result from the change.

CEQA compliance

This application is not considered to be a project under CEQA as any changes would either be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code (ministerial projects are already exempt), or to discretionary projects that have their own CEQA review. In almost all recent cases, on-sale alcohol sales or building remodels that include the sale or consumption of alcohol have been found to qualify for a CEQA exemption.

There is also one finding for denial as follows:

1. That the requested amendments are inconsistent with existing alcohol permitting and policy, and would contribute to increased impacts related to overconsumption of alcohol.

The reason for the denial finding is that additional opportunities for on-sale alcohol consumption could possibly lead to additional alcohol-related impacts, such as calls for service from the Police Department, over-consumption of alcohol, and other peripheral impacts. However, impacts from wine establishments such as tasting rooms are typically less than standard on-sale businesses. Reasons include the higher price of products, smaller serving sizes, and limited hours. In addition, the amendment would be consistent with the allowance of beer tasting rooms, as adopted in December 2017.

Summary

The proposed amendments will allow flexibility in the locating, permitting, and operation of wineries and/or tasting rooms. The added glossary definitions and Council policy changes will also make the City more welcoming to the expanding craft alcohol industry, of which the City Council and Planning Commission have shown support.

OPTIONS

1. Recommend approval of the amendments to the Land Use Code (LUC), based on the attached findings or findings to be determined by the Planning Commission; or
2. Recommend denial of the amendments to the LUC based on the attached findings or findings to be determined by the Planning Commission; or,
3. Continue the item to a specific date.

ATTACHMENTS

1. Findings
2. Proposed Code and Policy changes
3. City Council Policy 707 (amended December 19, 2017)
4. Resolutions

A handwritten signature in blue ink, appearing to read "Martin Reeder", is written over a horizontal line.

MARTIN REEDER, AICP
Acting Planning Director

RECOMMENDED FINDINGS FOR APPROVAL

1. The requested amendments are consistent with the General Plan, as the Code sections already exist. The amendments are minor in nature and would make negligible changes to where wine tasting rooms and wineries could be located. No increase in allowable densities, development intensity, or land use would result from the change.
2. This application is not considered to be a project under CEQA as any changes would either be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code (ministerial projects are already exempt), or to discretionary projects that have their own CEQA review. In almost all recent cases, on-sale alcohol sales or building remodels that include the sale or consumption of alcohol have been found to qualify for a CEQA exemption.

RECOMMENDED FINDINGS FOR DENIAL

1. That the requested amendments are inconsistent with existing alcohol permitting and policy, and would contribute to increased impacts related to overconsumption of alcohol.

Proposed Code changes

Proposed language

**TABLE 18.24.050
Allowed Land Uses
Mixed-Use Zones**

Land Use	Zone				Specific Use Regulations
	MXC-1	MXC-2	MXD-1	MXD-2	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit					

**TABLE 18.25.050
Allowed Land Uses
Industrial Zones**

Land Use	Zone			Specific Use Regulations
	IL	IM	IH	
Winery	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Winery Tasting room</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 18.30.050/ City Council Policy 707
P Permitted C Conditional Use Permit				

18.50 – Glossary

Winery. "Winery" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 license to manufacture and sell alcoholic beverages on the premises for on-site or off-site consumption. Minors are allowed on the premises (per ABC license regulations).

Winery tasting room. "Winery tasting room" means an establishment which is licensed by the California Department of Alcoholic Beverage Control (ABC) under a Type 2 duplicate license to sell wine products that the licensee produces for on-site and off-site consumption; including sales of sealed wine bottles for off-site consumption. Only wine produced by the master licensee may be sold and/or consumed at the location. Minors are allowed on the premises (per ABC Type 2 license regulations).

Proposed Policy changes

17. (~~brewery~~ Tasting rooms) The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. (~~brewery~~ Tasting rooms) Sales of sealed bottles or containers (commonly known as growlers) for off-site consumption of the product manufactured ~~beer-produced~~ by the master licensee may be sold and/or consumed at this location.
19. (~~brewery~~ Tasting rooms) Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. (~~brewery~~ Tasting rooms) With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

CITY COUNCIL POLICY

**TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards**

**POLICY
NUMBER 707**

ADOPTED: November 12, 1991

**AMENDED OR
REVISED: December 19, 2017**

Page 1 of 5

PURPOSE/BACKGROUND:

To streamline the process of alcohol license application review to ensure timely staff responses and/or protests to the Department of Alcoholic Beverage Control regarding these applications.

The City Municipal Code requires Conditional Use Permits for the sale of alcohol. Such land use regulation is designed to ensure that the health, safety and welfare of the community does not become negatively impacted. In order to minimize any potential adverse effects of alcohol sales for both on and off-site consumption, including public drunkenness, disorderly conduct, illegal sales or domestic violence, the City adopts conditions of approvals and enact policies designed to protect the public from such effects. The following sets forth the City Council's policy on the applicable alcohol standards for Conditional Use Permit applications for both on and off-sale alcohol sales, as well as the Department of Alcoholic Beverage Control application notification requirements.

POLICY:

The Department of Alcoholic Beverage Control (ABC) sends copies of all alcoholic beverage license applications to the Police Department. The City has thirty days from the date of the ABC mailing to provide comments to the ABC. If no protests are received within that time period, the ABC issues the license.

The Police Department is responsible for ensuring that an appropriate Conditional Use Permit (CUP) exists for the applicant business. If such a CUP exists, the copy of the application is simply filed by the Police Department in the existing file with the notation that there were no objections to the issuance of the license. If it is a new (in the case of an "original" license application) or expanding business or one seeking a license to effect a premises transfer, and no CUP exists, the Police Department is responsible for sending a letter to the ABC protesting the issuance of the license until a CUP is issued by the City.

Whenever such a protest letter is sent to the ABC, that agency notifies the applicant that they must begin the process of obtaining a CUP with the City's Planning Division and that the issuance of the alcoholic beverage license will be delayed until such time as the protest is withdrawn.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

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Once a CUP has been issued, the Planning Division notifies the Police Department of that issuance and it is then the responsibility of the Police Department to notify the ABC that the protest is withdrawn.

The CUP application, approval and issuance process is such that it provides all the checks, balances and controls necessary to ensure that businesses seeking alcoholic beverage licenses are in compliance with local standards.

These conditions of approval shall apply to all new Conditional Use Permits (CUPs) for the sale of alcohol for on and/or off-site consumption and modifications of existing CUPs for such sales as specified by the preceding parenthetical references with each condition. These references specify to which type of alcohol CUP being applied for the conditions would apply to – on-sale (restaurant, bar, etc) or off-sale (market, grocery store, etc). Regulation of these conditions and allowances shall be enforced through the Conditional Use Permit process, specifically conditions of approval to read as follows:

1. **(off-sale alcohol)** The sale of beer or malt beverages in quantities of quarts, 22 ounce, 32 ounce, 40 ounce, or similar size containers is prohibited.
2. **(off-sale alcohol)** No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
3. **(off-sale alcohol)** No sale of wine shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
4. **(off-sale alcohol)** Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's pre-packaged multi-unit quantities.
5. **(off-sale alcohol)** The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
6. **(off-sale alcohol)** All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

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7. **(off-sale alcohol)** Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
8. **(off-sale alcohol)** The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit ____, Case File No. ____, dated ____.
9. **(off-sale alcohol)** Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Division, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
10. **(off-sale alcohol)** Containers of alcohol may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
11. **(off-sale alcohol)** Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
12. **(off-sale alcohol)** The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
13. **(on and off-sale alcohol)** All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a city business license. As part -

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

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- of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

14. **(on-sale alcohol)** The sale of alcohol shall not exceed the sale of food. With the annual renewal of the City business license, the business proprietor shall submit a statement clearly indicating total alcoholic beverage sales and total food sales. Said statement shall be subject to audit and verification by employees of the City, who are authorized to examine, audit and inspect such books and records of the license, as may be necessary in their judgment to verify that the sale of alcohol does not exceed the sale of food. All information obtained by an investigation of records shall remain confidential.
15. **(on-sale alcohol)** Alcohol shall be available only in conjunction with the purchase of food.
16. **(on-sale alcohol with patio)** Permittee shall post signs in the patio dining area, including all exits to outdoor seating areas, indicating that alcoholic beverages must be consumed inside the restaurant or patio area and may not be taken off-premises.
17. **(brewery tasting rooms)** The requirements that alcohol be available only with the purchase of food and that alcohol sales not exceed food sales shall not apply to tasting rooms.
18. **(brewery tasting rooms)** Sales of sealed containers (commonly known as growlers) for off-site consumption of the beer produced by the master licensee may be sold and/or consumed at this location.
19. **(brewery tasting rooms)** Hours of operation of tasting rooms shall be limited to between 10:00 a.m. to 10:00 p.m. with last call being at 9:00 p.m.
20. **(brewery tasting rooms)** With the submittal of a business license for a tasting room, the Police Department shall provide an ABC Risk Assessment for each business applicant that indicates whether the business is considered a low, medium, or high risk. In the event that a risk assessment for the business allocates or more than 15 points, no business license shall be issued without the issuance of a Conditional Use Permit.

CITY COUNCIL POLICY

TITLE: Alcohol Beverage License Application Review Process
and Alcohol Conditional Use Permit Standards

POLICY
NUMBER 707

ADOPTED: November 12, 1991

AMENDED OR
REVISED: December 19, 2017

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The sale of three-packs of 24-oz cans of beer shall apply retroactively to all existing off-sale CUPs where a condition exists limiting sales to no less than six-pack quantities. However, business wishing to avail themselves of this modification must conform with all regulations of the Department of Alcoholic Beverage Control (ABC).

The Council may, at its sole discretion, choose to waive or modify any of the above conditions.

RESOLUTION NO. 2018-11 (a)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
MUNICIPAL CODE AMENDMENT AMENDING SECTIONS 18.24
(MIXED-USE CORRIDOR AND DISTRICT ZONES), 18.25 (INDUSTRIAL ZONES),
18.30.050 (SALE OF ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT),
AND 18.50 (GLOSSARY) OF THE NATIONAL CITY MUNICIPAL CODE.
APPLICANT: CITY-INITIATED.
CASE FILE NO. 2018-09 A**

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, per Chapter 18.12.140 (B); and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at duly advertised public hearing held on June 18, 2018, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report provided for Case File No. 2018-09 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, this action is taken in an effort to be compliant with applicable State and Federal law; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on June 18, 2018, support the following findings:

1. The requested amendments are consistent with the General Plan, as the Code sections already exist. The amendments are minor in nature and would make negligible changes to where wine tasting rooms and wineries could be located. No increase in allowable densities, development intensity, or land use would result from the change.
2. This application is not considered to be a project under CEQA as any changes would either be in relation to ministerial projects, which are exempt from the application of CEQA per Section 21080 of the Public Resources Code

(ministerial projects are already exempt), or to discretionary projects that have their own CEQA review. In almost all recent cases, on-sale alcohol sales or building remodels that include the sale or consumption of alcohol have been found to qualify for a CEQA exemption.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of June 18, 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON

RESOLUTION NO. 2018-11 (b)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NATIONAL CITY, CALIFORNIA, DENYING A
MUNICIPAL CODE AMENDMENT AMENDING SECTIONS 18.24
(MIXED-USE CORRIDOR AND DISTRICT ZONES), 18.25 (INDUSTRIAL ZONES),
18.30.050 (SALE OF ALCOHOLIC BEVERAGES AND LIVE ENTERTAINMENT),
AND 18.50 (GLOSSARY) OF THE NATIONAL CITY MUNICIPAL CODE.
APPLICANT: CITY-INITIATED.
CASE FILE NO. 2017-25 A**

WHEREAS, pursuant to the terms and provisions of the Government Code of the State of California, proceedings were duly initiated for the amendment of the National City Municipal Code, per Chapter 18.12.140 (B); and,

WHEREAS, the Planning Commission of the City of National City, California, considered said proposed amendment at a duly advertised public hearing held on October 16, 2017, at which time the Planning Commission considered evidence; and,

WHEREAS, at said public hearing the Planning Commission considered the staff report provided for Case File No. 2017-25 A, which is maintained by the City and incorporated herein by reference; along with any other evidence presented at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, this action is taken in an effort to be compliant with applicable State and Federal law; and,

WHEREAS, the action hereby taken is found to be essential for the preservation of the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Planning Commission of the City of National City, California, that the evidence presented to the Planning Commission at the public hearing held on October 16, 2017, support the following findings:

1. That the requested amendments are inconsistent with existing alcohol permitting and policy, and would contribute to increased impacts related to overconsumption of alcohol.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of November 20, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON